

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TROY E. TILLERSON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.:
)	3:05CV985-B
THE MEGA LIFE AND HEALTH)	
INSURANCE CORPORATION, a corporation;)	
TRANSAMERICA LIFE INSURANCE)	
COMPANY F/K/A PFL LIFE INSURANCE)	
COMPANY, a corporation; NATIONAL)	
ASSOCIATION FOR THE SELF EMPLOYED)	
A/K/A NASE, a corporation;)	
)	
Defendants.)	

**PLAINTIFF'S OBJECTION AND MOTION TO QUASH DEPOSITION
DUCES TECUM FOR SUE TINKEY**

COMES NOW the Plaintiff in the above styled cause on behalf of Sue Tinkey, pursuant to FRCP 45(C)(2)(B), and files his Objection and Motion to Quash Deposition Duces Tecum for Sue Tinkey heretofore filed in this cause and as grounds therefore would show unto the Court the following:

1. On May 19, 2006 counsel for Plaintiff wrote counsel for Defendants and advised in said letter that he would like to take the depositions of all parties prior to taking the depositions of witnesses, which would include Sue Tinkey. Furthermore, Plaintiff enclosed with said letter a notice of deposition for The Mega Life Health Insurance Corporation leaving the date time and location to be determined between counsel. (See correspondence attached as Exhibit A).

2. Counsel for Plaintiff thereafter received via facsimile, the Defendant's First Notice of Deposition Duces Tecum for Sue Tinkey (a non party) on June 7, 2006.

Ms. Tinkey's deposition was noticed for Thursday, June 22, 2006. (See Notice of Deposition attached hereto as Exhibit B).

3., Additionally, Defendant's also "served" Mrs. Tinkey with a subpoena on or after June 9, 2006 ordering Ms. Tinkey to both appear at a deposition on June 22, 2006 in Birmingham, Alabama and also produce documents. (See subpoena attached as Exhibit C).

4, Defendant's attempt to subpoena Ms. Tinkey for deposition and production is in violation of FRCP 45b(c)(3)(A)(i), (ii) (iv) and 45 (c)(3)(B)(iii).

5. As Defendant's have improperly "ordered" Ms. Tinkey to undergo undue burden via, inter alia, traveling more than 100 miles without tendering the fees and mileage allowed by law pursuant to FRCP(b)(2), Plaintiff, on behalf of Sue Tinkey, request the Court to quash and or modify said subpoena. (See attached Exhibit D).

Wherefore, premises considered, Plaintiff, on behalf of Ms. Tinkey, respectfully requests this Honorable Court quash and/or modify the Notice of Deposition Duces Tecum for Sue Tinkey.

s/Steve Couch
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Attorney for Plaintiff

OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the above and foregoing by U.S. Mail, properly addressed and postage prepaid this the 21st day of June, 2006 to:

James W. Lampkin, II
Pamela A. Moore
Alford, Clausen & McDonald
One St. Louis Centre, Suite 5000
Mobile, AL 36602

s/Steve Couch

OF COUNSEL